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Security Council

Fifty-seventh year

Provisional

4533rd meeting

Thursday, 16 May 2002, 10 a.m.

New York

President:	Mr.Mahbubani	(Singapore)
Members:	Bulgaria	Mr. Tafrov
	Cameroon	Mr. Ekorong A Dong
	China	Mr. Zhang Yishan
	Colombia	Mr. Rivas
	France	Mr. Doutriaux
	Guinea	Mr. Fall
	Ireland	Mr. Corr
	Mauritius	Mrs. Huree-Agarwal
	Mexico	Ms. Lajous
	Norway	Mr. Strømmen
	Russian Federation	Mr. Gatilov
	Syrian Arab Republic	Mr. Atieh
	United Kingdom of Great Britain and Northern Ireland	Mr. Eldon
	United States of America	Mr. Cunningham

Agenda

Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)

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02-38384 (E)

The meeting was called to order at 10.10 a.m.

Adoption of the agenda

The agenda was adopted.

Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)

The President: I should like to inform the Council that I have received a letter from the representative of the Federal Republic of Yugoslavia in which he requests to be invited to participate in the discussion of the item on the Council's agenda. In accordance with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Šahović (Yugoslavia) took a seat at the Council table.

The President: In accordance with the understanding reached in the Council's prior consultations, and in the absence of objection, I shall take it that the Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Jean-Marie Guéhenno, Under-Secretary-General for Peacekeeping Operations.

There being no objection, it is so decided.

I invite Mr. Guéhenno to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

At this meeting, the Council will hear a briefing by Mr. Jean-Marie Guéhenno, Under-Secretary-General for Peacekeeping Operations.

I now give the floor to Mr. Guéhenno.

Mr. Guéhenno: I am pleased to provide an update of developments in Kosovo since the members of the Council were last briefed by Mr. Steiner on 24 April. Let me begin with the provisional institutions of self-government.

On 9 May, the Kosovo Government submitted to the Assembly its draft programme, which is based on the agreement of 28 February that formed the Government. Priorities highlighted in the programme include consolidating democratic structures, improving education and health care and promoting economic development. It also focuses on the protection of the rights and interests of communities — including the right to return — and regional integration, including meaningful dialogue with the authorities of the Federal Republic of Yugoslavia.

Unfortunately, the Kosovo Serb Return Coalition — known by its initials, KP — has not so far put forward candidates for the three government posts allotted to it. Although three names appeared in the local press on 7 May following a KP meeting in Leposavic, it appears that the issue of candidates has become stuck in Belgrade. This is regrettable. First, it means that the Kosovo Serbs are still not part of the decision-making process and did not participate in the talks on the government programme. Secondly, it tends to undermine the KP Assembly members.

As was to be expected, the division of responsibilities between the provisional institutions of self-government and the United Nations Interim Administration Mission in Kosovo (UNMIK) under the Constitutional Framework is causing some friction. For example, on 9 May the Assembly debated two issues that lie within the responsibilities reserved for the Special Representative: the security situation in Mitrovica, and the border demarcation agreement between the Federal Republic of Yugoslavia and the former Yugoslav Republic of Macedonia.

Intervening in that debate, Mr. Steiner recognized the natural desire of the elected representatives to discuss issues important to them. In order to uphold the division of responsibilities outlined in the Constitutional Framework, the issues were discussed in an informal session of the Assembly. At the same time, Mr. Steiner underlined that such discussions should not sidetrack the Assembly from focusing on the many urgent matters for which it does have responsibility. He drew the Assembly's attention to some of the critical remarks made by members of the Council during the last meeting — regarding, for example, the lack of a multi-ethnic civil service and the unacceptable living conditions of minority communities — and asked the Assembly to focus on those areas.

I can report that the situation in Mitrovica has now calmed down somewhat. UNMIK is continuing its dialogue with local representatives in northern Mitrovica and with Belgrade and is working closely with KFOR to maintain calm. Regarding the border with the former Yugoslav Republic of Macedonia, UNMIK is working in the Joint Expert Committee to find practical arrangements that will allow Kosovo Albanian farmers access to their lands on the border with the former Yugoslav Republic of Macedonia.

I would now like to turn to the municipal elections, which, as the Council knows, were originally scheduled to take place on 21 September. Due to a delay in approving the election budget — which was approved by the Permanent Council of the Organization for Security and Cooperation in Europe on 19 April — the elections will now take place on 26 October. An important element of this year's election is the increase in responsibilities undertaken by the local electoral bodies. For example, the municipal election commissions have assumed responsibility for appointing and training some 8,000 polling station committee members, and work has begun to establish the provisional electoral management body.

This year's municipal election will provide an opportunity for those communities that boycotted the 2000 elections, particularly the Kosovo Serb community, to participate. The aim is to have all municipal assembly members elected, not appointed as in some cases, for the next mandate period, which will be four years.

(*spoke in French*)

Turning now to rule of law issues and public order, I would like to inform the Council that a panel of international judges in Pristina handed down the first sentence on terrorism-related charges on 10 May. The defendant, who was charged with the murder of the head of the Yugoslav passport office in Pristina last April, was sentenced to 23 years' imprisonment. Also, another panel of international judges recently handed down a 15-year sentence to a Kosovo Albanian for the murder of an elderly Kosovo Serb woman in Prizren.

Effective maintenance of law and order requires UNMIK to look beyond the boundaries of Kosovo. It is for that reason that, at the end of April, an agreement was reached with the authorities of the Federal Republic of Yugoslavia and of Serbia on a draft agreement on police cooperation that lays out an effective framework for a more systematic sharing of information on a range of law enforcement issues.

On 10 May, UNMIK hosted a regional ministerial conference in Pristina on cigarette smuggling that was attended by representatives from Albania, Bosnia and Herzegovina, Bulgaria, Croatia, the former Yugoslav Republic of Macedonia, Montenegro, Romania and Serbia, and by the Minister for Finance of Kosovo's provisional institutions. In the Pristina declaration issued at the end of the conference, the participants agreed, among other things, to pursue their efforts to harmonize excise rates, to establish greater coordination of efforts to regulate the movement of goods in the region through improved exchange of information, and to a common approach to improve the collection of customs fees and various taxes. An agreement was also reached on holding a follow-up conference in Zagreb in September that will also include the participation of representatives responsible for the implementation of the Stability Pact.

On 29 April, UNMIK's Institution-Building Pillar published its fourth review of the criminal justice system in Kosovo. The report concluded that, while areas of concern remain, the foundations of a sustainable system based on human rights and access to justice have been laid. Outstanding areas of concern include the independence of the judiciary, conditions of detention and mental health issues.

(*spoke in English*)

On the issue of returns, UNMIK, together with Office of the United Nations High Commissioner for Refugees (UNHCR), briefed donors on 7 May on the principles guiding the returns process and outlined the financial requirements for 2002, which amount to over 16 million euro. The aim is to achieve increasing returns this year in order to create momentum for more significant numbers of returns during 2003 and 2004.

In its draft programme, the Government of Kosovo has committed itself to demonstrating its willingness to address the wishes and concerns of internally displaced persons and refugees. Mr. Rexhepi, the Prime Minister, attended Serbian Orthodox Easter celebrations in the Peć Patriarchate, spoke with Ashkali families that had returned to Vučitrn and visited the mixed municipality of Strpce. He made statements of support for the right of all internally displaced persons to return to their places of origin and called for the removal of enclaves. For the first time, a Kosovo

Albanian representative took part in a "go and inform" visit to internally displaced persons in central Serbia. At the same time, there were again acts of intimidation and violence against members of the minority communities, including the stoning of nuns from the Decani Monastery and the desecration of several graveyards during the Orthodox Easter period.

There have been several recent indications of a desire on the part of members of Kosovo's non-Albanian communities to integrate into municipal life: several groups have begun Albanian language lessons, including the monks in the Decani Monastery, in the Peć region. In Kamenica, in the Gnjilane region, Kosovo Serb physicians participated in a "go and see" visit to the Gnjilane hospital with a view to working there at least once a week.

Efforts have continued to determine the fate of the missing of all communities, which, as members know, remains one of the major obstacles to reconciliation. At the beginning of May, a group of international forensic experts began work at the former morgue run by the International Criminal Tribune for the former Yugoslavia in Orahovac, with the aim of identifying the remains of approximately 1,250 people by the end of the year.

Finally, I would like to report on an event that took place on 24 April and that therefore could not be included in the last briefing: an earthquake measuring 5.4 on the Richter scale hit Kosovo, causing particular damage in the Gnjilane region. One person died and more than 100 people were injured. The Kosovo Protection Corps, which in the Gnjilane region now has seven members from minority communities, responded swiftly and effectively. More than 100 of its members were directly engaged, working together with UNMIK and KFOR. An inter-municipality committee was set up to coordinate the responses of the four municipalities most affected, and an emergency fund was established, for which 500,000 euro has been allocated from the contingency fund of the Kosovo consolidated budget. That response is a good example of every level, both local and international, pulling together for the benefit of those affected in all communities.

That example of pulling together for the benefit of all communities is one that we would like to see in the provisional institutions of self-government. That is where an example of working side by side for the good of Kosovo should be set. It is therefore essential that before any more time is lost, the Kosovo Serb representatives take up their rightful places in the Government. All sides need to help one another to find common ground solutions so that many of the complex situations Kosovo faces — requiring concessions on all sides — can begin to be tackled in a way that will prove effective and sustainable.

The meeting rose at 10.25 a.m.